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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,960	05/04/2005	Wen Zhao	PAT 799W-2	8081
26123	7590	12/29/2005	EXAMINER	
BORDEN LADNER GERVAIS LLP			LY, NGHI H	
WORLD EXCHANGE PLAZA			ART UNIT	
100 QUEEN STREET SUITE 1100			PAPER NUMBER	
OTTAWA, ON K1P 1J9			2686	
CANADA			DATE MAILED: 12/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,960	<b>Applicant(s)</b> ZHAO ET AL.	
	<b>Examiner</b> Nghi H. Ly	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9, 10, 12-16, 18 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunzinger et al (US 6,501,947).

Regarding claims 1, 12 and 21, Hunzinger teaches a method of establishing a data connection on a wireless data network (see Abstract), the method comprising: determining that no data connection to the wireless data network is established (see column 1, lines 38-59), initializing a back of timer based on a previous number of connection requests (see column 2, lines 17-21 and column 2, lines 48-55), automatically transmitting a connection request to the wireless data network upon

expiry of the back off timer (see column 4, lines 37-40), and establishing a data connection if the transmitted connection request is accepted by the wireless data network (see column 3, line 13 to column 5, line 39).

Regarding claims 2 and 22, Hunzinger further teaches the wireless data network is a CDMA2000 network (see Abstract).

Regarding claim 3, Hunzinger further teaches determining that no data connection is established includes receiving a refusal of service message from the wireless data network (see column 2, lines 30-42).

Regarding claim 4, Hunzinger further teaches the refusal of service message is a retry order (see column 2, lines 30-42).

Regarding claim 5, Hunzinger further teaches the refusal of service message is a reorder order (see column 2, lines 30-42).

Regarding claim 6, Hunzinger further teaches the refusal of service message is an intercept message and the connection request is automatically transmitted upon detection of a new wireless data network (see column 2, lines 30-42).

Regarding claims 9 and 15, Hunzinger further teaches initializing the back of timer is based on a retry delay specified by the retry order (see column 6, lines 41-56).

Regarding claim 10, Hunzinger further teaches the back off timer is initialized to a time greater than or equal to the retry delay (see column 6, lines 41-56).

Regarding claim 13, Hunzinger further teaches determining the data connection status is preceded by initializing the service check timer (see column 4, lines 37-51).

Regarding claim 14, Hunzinger further teaches the step of automatically transmitting the connection request is performed upon expiry of a back off timer (see column 4, lines 37-51).

Regarding claim 16, Hunzinger further teaches determining the data connection status includes comparing assigned network resources to default values (see column 2, lines 10-21).

Regarding claim 18 and 25, Hunzinger further teaches a step of forcing premature expiry of the service check timer upon receipt of a Release Order (see column 4, lines 37-40).

Regarding claim 23, Hunzinger further teaches the connection manager includes means to reset the back off timer in response to the receipt of a Retry Order, such that the back off timer is greater than, or equal to, a retry delay specified in the Retry Order (see column 4, lines 37-51).

Regarding claim 24, Hunzinger further teaches the connection manager includes an accumulator for tracking consecutive rejections of service, and means to reset the back off timer in accordance with the number of consecutive rejections (see column 2, lines 30-42).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunzinger et al (US 6,501,947) in view of Marry et al (US 4,827,507).

Regarding claim 7, Hunzinger teaches claim 1. Hunzinger does not specifically disclose initializing the back off timer is based on a random seed.

Marry teaches initializing the back off timer is based on a random seed (see column 12, lines 1-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Marry into the system of Hunzinger in order to protect the exchange of keys and synchronization from interruptions in the communication channel (see Marry, column 2, lines 24-26).

Regarding claim 8, Hunzinger further teaches the back off timer is initialized to a time greater than or equal to any back off timer time calculated after a last established data connection (see column 4, lines 37-51).

7. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunzinger et al (US 6,501,947) in view of Hunzinger (US 2002/0082032A1).

Regarding claims 11 and 20, Hunzinger et al (US 6,501,947) teaches claims 1 and 2. Hunzinger et al (US 6,501,947) does not specifically disclose the connection request is an Origination Message.

Hunzinger (US 2002/0082032A1) teaches the connection request is an Origination Message (see [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hunzinger (US 2002/0082032A1) into the system of Hunzinger et al (US 6,501,947) in order to allow the infrastructure to adapt access parameter to increase or decrease the likelihood of successful access (see Hunzinger (US 2002/0082032A1), Abstract).

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunzinger et al (US 6,501,947).

Regarding claim 17, Hunzinger teaches claims 1 and 16 except that the step of comparing includes determining that no data connection is established when an assigned Internet Protocol address is set to 0.0.0.0.0. However, such Internet Protocol address is set to 0.0.0.0.0. would have been obvious since the particular Internet Protocol address could have been determined by the inventor's choice e.g., use an

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Internet Protocol address which can improve reconnection attempts in the communication network.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunzinger et al (US 6,501,947).

Regarding claim 19, Hunzinger teaches claims 1 and 18 except that the Release Order is a Point-to-point-protocol termination request. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Hunzinger for providing a method as claimed, for obtaining reconnection in communication network.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Jenniges (US 6,978,136) teaches method and wireless device for establishing a communication interface for a communication session.

b. Chen (US 6,978,119) teaches fast connection establishment method for bluetooth device.

c. Andaker (US 6,944,479) teaches using call establishment signaling to request data.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

*NHL*  
12/23/05

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